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SUBJECT: HRC: CONGRESSIONAL STAFFDEL MEETS OHCHR, COUNCIL
PRESIDENT, DELEGATIONS, AND NGOS

SUMMARY

¶1. Congressional staffers for the outgoing and incoming chairs of the Senate Foreign Relations Committee and House International Relations Committee were in Geneva Nov. 27-Dec. 1, 2006 to discuss the state of the Human Rights Council (HRC) with key players from the diplomatic community, United Nations, and NGOs. Almost all, including the UN High Commissioner for Human Rights and the HRC President, urged the United States to run for a Council seat. Western diplomats said the Council was headed in the wrong direction and was a captive of the Organization of the Islamic Conference (OIC) and the Non-Aligned Movement (NAM). However, no one was ready to write off the Council just yet. Most urged finding ways to make it work, including by the new Universal Periodic Review (UPR) process, improving the quality of membership, and weakening the hold of blocs. Staff delegates were Paul Foldi (Sen. Lugar); Jennifer Simon (Sen. Biden); Barton Forsyth (Rep. Hyde); and David Killion (Rep. Lantos). END SUMMARY.

UN High Commissioner Louise Arbour

¶2. Arbour said it was too early to write off the HRC and encouraged the U.S. to run for a Council seat since a more authoritative intergovernmental body was needed. Though the prevailing mood in the Council was against country resolutions, she believed that the UPR process could represent a modest improvement if sufficiently robust and frequent. Also, since many member states considered resolutions on Israel to be thematic (occupation), Arbour said Council members could consider taking up Sudan under the theme of armed conflict, though an obstacle to this approach was U.S. resistance to consideration of humanitarian law issues. (NOTE: Subsequent to this meeting, a Special Session on Sudan was called for December 12. END NOTE.) Arbour said developed countries needed to listen to developing states on issues of cultural, economic, and social rights. Arbour cautioned that the call to reduce voluntary contributions would offset the doubling of OHCHR's budget over the next five years, which would lead to zero budget growth just when growth was needed. Arbour made her usual appeal for unearmarked funds, saying OHCHR was the best investment in human rights work.

HRC President Luis Alfonso de Alba (Mexico)

¶3. De Alba said the Council got off to a bad start and had numerous problems, notably its composition. He presented himself as almost powerless, saying the Council had no tools or rules of procedure, and that he did not even have the authority to call meetings. However, he encouraged a long

view of what the Council would look like in five years rather than six months. De Alba said discussion about country resolutions was useless, though UPR could be used as a basis for them. As far as accommodating NGOs, de Alba said he suggested they organize and determine which should speak on which issues and establish procedures for their participation. De Alba said it was the Western countries, desire for a low threshold for calling special sessions that made it easy for the OIC to call so many special sessions on the Middle East. He cautioned that calling a special session on Sudan without having the votes to pass a resolution could be a real setback (NOTE: A consensus resolution on Darfur passed on Dec. 13. END NOTE.), and suggested that the EU and GRULAC coordinate and build on the votes obtained on the EU amendments to the African Group's Sudan resolution tabled at the second HRC regular session.

Geneva-based Missions

¶4. Staffers met with representatives from Canada, the UK, Pakistan, Ghana, Guatemala, South Africa, and Israel. All expressed varying levels of concern for the Council. Canadian Deputy PermRep Paul Meyer said, in the broader context of UN reform, that putting human rights on a par with security and development in the UN system was a great achievement. He stressed the need to build cross-regional coalitions to fight off the existing regional blocs. He added that country resolutions were increasingly viewed as ineffective in addressing human rights issues -- a view strongly shared by most developing countries.

¶5. Guatemalan Counselor Stephanie Hochstetter suggested developing a two-tiered system that would include technical

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assistance and country resolutions based on UPR conclusions depending on the gravity of a country's human rights violations. Guatemala's own experience with HRC special procedures has not been good, according to Hochstetter. While readily acknowledging Guatemala's human rights problems, she said her country simply did not have the capacity to handle the multiple visits, reports, and other obligations, so it was a serious disincentive for developing world countries to cooperate with the UN's human rights apparatus.

¶6. UK PermRep Nick Thorne expressed frustration over the European Union's (EU) fixation on maintaining common positions. He blamed the Finnish presidency for failing to speak on issues of importance. (NOTE: Germany takes over on Jan. 1, 2007. END NOTE.) He cited outside factors as the driving force behind Pakistan (OIC), Algeria (African Group, OIC), and Egypt's (African Group, OIC) desire to lead blocs on human rights discussions in Geneva. He especially focused on Pakistan, saying it was driven by a desire to dominate its region and keep rival India in check. Both Meyer and Thorne said the Community of Democracies would be ineffective in caucusing at the HRC, the latter adding that the group's image was tarnished after U.S. efforts to use it to mobilize votes on Cuba-related resolutions.

¶7. Pakistan's Deputy PermRep Tehmina Janjua -- and later at a lunch, Pakistani PermRep and OIC human rights coordinator Masood Khan -- claimed that Pakistan was actually a moderating influence on the OIC, and that if it were not leading the OIC a more radical country would do so. Ambassador Khan said that Pakistan only kept the OIC coordinating job in Geneva because nobody else wanted it and, in any case, the OIC's importance in the Council was exaggerated. When questioned by staffdel about the three anti-Israel special sessions to date, Khan recited an abbreviated and creative version of the events that led to the sessions and of the OIC's behavior. Pakistani Human Rights Director Shafqat Ali Khan contended that it was Western targeting of OIC countries with human rights

instruments and Western silence on atrocities towards Muslims (such as a massacre of Muslim worshippers in India) that had unified OIC countries and made them such a strong force.

¶18. Ghana Deputy PermRep Paul Aryene blamed the situation in the Council on mutual suspicion among Council members. Even among the African Group itself, many members were weary of the current leadership. He said change was possible though it would take time. Aryene identified Zambia and non-members Guinea and Lesotho as African Group countries that might be counted on to vote responsibly. On Israel, he suggested that, rather than wait to see what the OIC came up with, the U.S. should take the initiative and negotiate texts ahead of time.

¶19. Pitso Montwedi, South African Chief Directorate for Human Rights and Humanitarian Affairs, acknowledged there was a divide between Western and developing countries over the breadth of human rights issues. Developing countries viewed poverty, deprivation, and the like as human rights issues while Western countries felt these issues belonged in other fora. Montwedi criticized country resolutions, and said what developing countries really needed was technical assistance to improve their human rights situations. He credited the international embargo on South Africa during the apartheid era for helping South Africa rather than country-specific human rights resolutions.

¶10. Israeli PermRep Itzhak Levanon was unimpressed with the Council. He said that although Canada had shown real backbone on the Council by calling for votes on anti-Israel resolutions, Israel would prefer to know that it could rely on the U.S. Levanon held that the best chance to change the Council's direction lay in getting the right countries elected. He saw some frustration about the direction of the Council from countries such as Guatemala, Ghana, and Cameroon -- an attitude that might be utilized to counter the OIC stranglehold. Asked what incentives such countries might have for leaning in the other direction, Levanon said that, if the U.S. were a member, it could provide them cover.

NGO Roundtable

¶11. During a Mission-organized NGO roundtable, the group met with representatives from Amnesty International, Human Rights Watch, International Service for Human Rights, UN Watch, the Quaker UN Office, and the Baha'i Community. Most were critical of the U.S. choice not to run for the Council, but

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welcomed U.S. engagement as an observer in the Council. All said the U.S. should run for the Council next year. Several participants criticized the U.S. focus on country resolutions, and some bristled at one staffer's reference to "bad guys." One participant charged that it was this type of approach that had brought the "bad guys" together. Another participant said the U.S. position on economic, social and cultural rights was not helpful, noting how other countries that had previously opposed considering these issues under the human rights rubric (e.g., UK and Australia) had eventually changed their views. The Amnesty International representative observed that the worst members of the Council were America's "best mates" (Pakistan and Egypt) and wondered why the U.S. could not bring them into line. When asked about prospects for peeling members off blocs, a participant cautioned that this might apply also to the EU, the most rigid voting bloc in the Council.

¶12. In a separate meeting, UN Watch Executive Director Hillel Neuer said the new Council was worse than the Commission, dominated by power blocs (especially the OIC), and intensely anti-Israel. He said various EU members were sensitive to their Muslim populations and reluctant to confront the OIC. Neuer saw the UPR as a chance to move the Council away from its fixation on Israel. However, UPR could

go in the wrong direction if criteria for review accounted for cultural and religious factors, and/or if the information base for review was a simple questionnaire answered by the country under review. Despite the Council's shortcomings, Neuer held, it was better for the U.S. to be a member, inside and effective, rather than outside and merely "engaged."

TICHENOR